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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 JAMES L. LANG,

10 Plaintiff,

11 v.

12 BUTTE COUNTY SHERIFF  
13 PERRY L. RENIFF; CHIEF  
14 MEDICAL EXAMINER DON  
15 DURRETT,

Defendants.

No. C 07-2304 MMC (PR)

**ORDER OF TRANSFER**

**(Docket No. 2)**

16 On April 27, 2007, plaintiff, an inmate at the Butte County Jail and proceeding pro se,  
17 filed a complaint pursuant to 42 U.S.C. § 1983 in the above-titled civil rights case. Plaintiff  
18 alleges two Butte County Jail officials violated his constitutional rights.

19 Venue may be raised by the court sua sponte where the defendant has not filed a  
20 responsive pleading and the time for doing so has not run. See Costlow v. Weeks, 790 F.2d  
21 1486, 1488 (9th Cir. 1986). When jurisdiction is not founded solely on diversity, venue is  
22 proper in (1) the district in which any defendant resides, if all of the defendants reside in the  
23 same state; (2) the district in which a substantial part of the events or omissions giving rise to  
24 the claim occurred, or a substantial part of the property that is the subject of the action is  
25 situated; or (3) a judicial district in which any defendant may be found, if there is no district  
26 in which the action may otherwise be brought. See 28 U.S.C. § 1391(b). When venue is  
27 improper, the district court has the discretion to either dismiss the case or transfer it “in the  
28 interest of justice.” See 28 U.S.C. § 1406(a).


1 It is clear from the instant complaint and the attachments thereto that plaintiff's claims  
2 arise out of actions alleged to have taken place in Butte County by defendants located in  
3 Butte County. Butte County lies within the venue of the Eastern District of California. See  
4 28 U.S.C. § 84(b). As a result, venue is proper in the Eastern District of California, not in the  
5 Northern District.

6 Accordingly, in the interest of justice, the above-titled action is hereby  
7 TRANSFERRED to the United States District Court for the Eastern District of California. In  
8 light of the transfer, this Court will defer to the Eastern District with respect to plaintiff's in  
9 forma pauperis application.

10 The Clerk shall close the file and terminate Docket No. 2 on this Court's docket.

11 IT IS SO ORDERED.

12 DATED: June 8, 2007

  
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MAXINE M. CHESNEY  
United States District Judge